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EX PARTE ORAL HEARING

DOCKET FILED

EX PARTE PRESENTATION

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: *In the Matter of Implementation of the Non-Accounting Safeguards of
Sections 271 and 272 of the Communications Act of 1934, as amended,
CC Docket No. 96-149*

Dear Mr. Caton:

This letter responds to AT&T's June 20, 1997 ex parte letter regarding exchange access provisioning reporting requirements proposed in the Further Notice of Proposed Rulemaking (FNPRM) in CC Docket No. 96-149. AT&T states that it was asked by the FCC to respond to eight questions. SBC, on behalf of its affiliates Southwestern Bell, Pacific Bell, and Nevada Bell, responds to AT&T's suggestions.

As stated in previous SBC affiliate filings in this proceeding, new federal reporting requirements should be consistent with existing requirements and limited to what is necessary to implement the service provisioning requirements of section 272(e)(1). In some instances, AT&T's suggestions go far beyond the scope of what is required to implement section 272 requirements.

Following are the specific responses to Questions 1 through 7. (Question 8 does not require a response by SBC.)

Question No. 1: How would the data the FNPRM proposes to capture be reported?

Response: Although the FNPRM suggests seven potential categories for measurement, the FNPRM does not propose requiring them. Rather it asks questions about each potential category and seeks to capture the data that is needed to ensure compliance with section 272(e)(1). To meet this goal, the reporting of no more than two measurements is needed for each interexchange access service that the Bell Operating Company (BOC) provisions for its interLATA affiliates: (1) the percentage of missed negotiated due dates and (2)

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the average interval from service request to completion.¹ Contrary to AT&T's statements, there is no need to report percentages of incidents within each successive one-hour interval until 95 percent completion. If the BOC were consistently discriminating against a certain portion of the interexchange carrier's (IXC's) provisioning request (e.g., those for the largest 5 percent of its customers), this discrimination would be revealed by the IXC's own data concerning the BOC provisioning of the IXC's services.

Question No. 2: Could metrics 1 and 2 proposed in the NPRM be replaced by a single metric measuring the total time from a customer's request for service to installation? How would such a metric be measured?

Response: SBC supports replacing metrics 1 and 2 with two measures: (1) percentage of missed BOC negotiated due dates and (2) average time from service request to installation. The measure should not be based on the customer's desired due date, but rather should be the percentage of missed negotiated due dates. The negotiated due date is meaningful because both the BOC and the IXC are involved in the determination of the date as a function of factors within the control of both parties, including the readiness of each party. This date reflects a balance between the desires of the IXC and the practical abilities of both the BOC and the IXC to provision the service. By contrast, the customer's desired due date is self-imposed and would be too subjective to be valuable for measuring performance. As the FCC acknowledged in its Notice, (see paragraph 373), the BOCs have no control over a customer's requested due date.

Question No. 3: Why does AT&T support measuring PIC-related metrics by CIC [carrier identification code] code?

Response: AT&T's reasons for supporting CIC-specific reporting are not compelling. Each IXC has its own data by CIC and can compare it to the data that the BOC provides concerning its affiliates. However, to require the BOCs to report by CIC would be unreasonably burdensome, would be unnecessary to meet the requirements of section 272(e)(1), and would require the release of proprietary information.

¹ As Pacific Telesis Group explained at page 3 of its March 21, 1997 Reply Comments in this proceeding, the most meaningful measurement to customers is the percentage of missed negotiated due dates. The average interval from service request to completion, which we have agreed is the only other measurement that it would be reasonable to require, is a second-best measurement. It is less meaningful because often customers request a delayed installation due date for their own reasons and, of course, the BOC honors that request. Delayed due dates are particularly common with orders for projects involving multiple circuits. Average intervals that include those delays might falsely appear to be discrimination, if the BOC's affiliate does not request similar delays.

Question No. 4: Why does AT&T seek to include a "POTS" measure for the Time to Restore and Trouble Duration metric?

Response: While AT&T supports including POTS service in the reporting for section 272, AT&T would actually use POTS service as a competing local exchange carrier (CLEC), not as an interexchange carrier. Section 272(e)(1) reporting is not applicable to services provided to CLECs. Those types of services are already covered under section 251, pursuant to which AT&T would buy LEC services such as resold POTS or unbundled network elements. The FCC should not require BOCs to report on POTS under section 272.

Question No. 5: What information does the Mean Time to Clear Network/Average Duration of Trouble metric add to Time to Restore & Trouble Duration?

Response: This metric would add nothing of benefit. Moreover, it would be arbitrary because it could include time expended dispatching repair personnel to the premises to identify who is responsible (the access provider, IXC, or end user) in order to meet the demand of the IXC, even though the access provider had already done remote testing and reported that the trouble was not in its portion of the network.

Question No. 6: What is meant by a PIC "trouble" in the metric Time to Restore PIC after trouble incident?

Response: AT&T responded that a PIC "trouble" is a situation in which a customer is "PIC'd" incorrectly. While we agree with AT&T's definition of a PIC trouble, AT&T has failed to demonstrate any need for this requirement. In the majority of cases, PIC troubles are cleared in a relatively short period of time. Therefore, a reporting requirement is unnecessary and would be meaningless.

Question No. 7: For purposes of Section 272(e)(1) reporting, should an order for, e.g., ten DS1 connections be regarded as a single "installation" or as ten installations?

Response: The Commission should allow such an order to be regarded either way. So long as the BOC treats such an order the same way for all customers, including its own affiliates, the treatment is fair and nondiscriminatory.

Currently, we understand that AT&T's systems will not allow it to place a single dedicated special access order for multiple connections to one location. AT&T issues separate orders for each connection, and we handle and report on each one individually. Note that in its ex parte response AT&T never states that it is

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referring to one order. It appears that AT&T's position is that the BOC should be forced to track and coordinate AT&T's orders so as to group the orders by location and manage and measure orders to the same location as one. The Commission should not place this unwarranted burden on the BOCs.

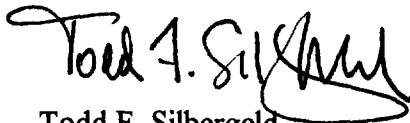
Unlike AT&T, some IXC's have systems that allow them to place a single order for multiple circuits to the same location having the same due date. A BOC should be allowed to treat this order as one or as multiple orders. For instance, today Pacific Bell's systems require it to handle and measure all the circuits in such an order together. Pacific Bell cannot bill or otherwise measure some of the circuits as completed until they all are completed. Pacific Bell and other BOCs should not be ordered to adjust systems to measure each circuit individually. When, as expected, however, Pacific Bell does adjust its systems it should be allowed to treat each circuit individually.

This flexibility is proper. If a BOC completes an individual circuit and an IXC has access via that circuit, it is logical to allow treatment and measurement of that circuit as having being installed, rather than requiring the BOC to wait until all circuits in the order are installed. This flexibility not only allows measurements to be consistent with performance, but also reflects the ability of BOCs and IXC's to negotiate difference installation dates for different circuits, an especially common practice in the case of large projects.

There is no basis for AT&T's allegations that BOCs may manipulate the installations for multiple circuits so as to discriminate. Today, in the access environment, AT&T places multiple separate orders for circuits at one location. The BOC measures each order separately. There is no reason to require a change in this practice, regardless of whether the circuits are ordered on multiple orders or on a single order. So long as the BOC applies the same practice to its affiliates as to other IXC's, the practice is fair and nondiscriminatory.

Should you have any questions concerning the foregoing, do not hesitate to contact me.

Very truly yours,



Todd F. Silbergeld
Director-Federal Regulatory

cc: Ms. Scinto
Ms. Sockett